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PATENT APPLICATION

**RESPONSE UNDER 37 CFR §1.116
EXPEDITED PROCEDURE
TECHNOLOGY CENTER 1638**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Akio KOBAYSHI et al.

Group Art Unit: 1638

Application No.: 10/015,607

Examiner: G. Helmer

Filed: December 17, 2001

Docket No.: 111473

For: A METHOD FOR INTRODUCING FOREIGN MATTERS INTO LIVING
CELLS

PETITION FOR REFUND

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

It is respectfully requested that the fees paid for the Petition for Three-Month Extension of Time and Notice of Appeal submitted in reply to the December 29, 2004, Office Action be refunded.

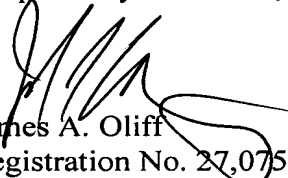
On December 29, 2004, a Final Rejection was mailed for the above-identified application. Applicant timely filed a Request for Reconsideration After Final Rejection on March 29, 2005. See the attached date-stamped receipt. According to the USPTO PAIR database, the response was recorded as having been received on March 29, 2005, and was forwarded to the Examiner for action on April 1, 2005. However, for a period of nearly three (3) months, the Request for Reconsideration After Final Rejection has remained on the Examiner's docket without action. Applicant's representative telephoned the Examiner on multiple occasions to inquire into the status of the application and the response, but no formal response has been received from the Examiner.

Despite Applicants' timely submission of a response on March 29, 2005, no action has been taken by the Patent Office even three months after the filing of the Request

for Reconsideration After Final Rejection. Applicant was thus forced to file the accompanying Notice of Appeal and Petition for Extension of Time, at a cost of \$510.00 in extension fees and \$250.00 in Notice of Appeal fees (for a total cost of \$760.00), in order to maintain the pendency of the application. Applicant incurred all of these expenses solely because of Patent Office delay.

Accordingly, it is respectfully requested that \$760.00 be refunded to Deposit Account No. 15-0461 and that the Patent Office acknowledge this credit in writing.

Respectfully submitted,


James A. Oliff
Registration No. 27,075

Joel S. Armstrong
Registration No. 36,430

JAO:JSA

Attachments:

Request for Reconsideration After Final Rejection filed March 29, 2005
PTO stamped receipt for filing of papers dated March 29, 2005

Date: June 29, 2005

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<p>DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 15-0461</p>
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